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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

JOSEPH P. LEONARDO, and
AUDREY M. LEONARDO

ORDER
21-cv-4949 (JMA) (JMW)

Plaintiffs,

-against-

WELLS FARGO BANK, NA,
Successor by merger to Wachovia Mortgage, FSB,
et al.,

Defendants.

AZRACK, United States District Judge:

Plaintiffs' motions for leave to amend the complaint, (ECF Nos. [71], [76], [77], [82], [84], [85], and [86]), are granted. The Motions to Dismiss filed by Defendants Rushmore Loan Management Services, Wells Fargo Bank and Druckman Law Group, (ECF Nos. [47], [48], and [49]), are denied as moot in light of Plaintiffs' intention to file an Amended Complaint. Plaintiffs must file and serve their Amended Complaint by January 2, 2023. This Amended Complaint will become the operative pleading and will replace the original Complaint and any other previously filed complaints, which will no longer be operative and will have no effect. Plaintiffs' Amended Complaint must be a complete pleading that sets out all their claims and clearly identifies all parties that are named as defendants.

The Court's decision to allow Plaintiffs to amend their complaint does not preclude Defendants from raising any arguments concerning the Amended Complaint in a motion to dismiss. Defendants are permitted to file motions to dismiss the Amended Complaint and shall serve their opening briefs (or otherwise respond to the Amended Complaint) by February 16, 2023.

Plaintiffs shall serve their opposition papers on Defendants by March 30, 2023. Defendants shall serve their replies, if any, and file the fully briefed motions in accordance with the Court's individual rules by April 20, 2023.

Plaintiffs' other outstanding motions, including Plaintiffs' motion for a protective order, (ECF No. [56]), Plaintiffs' motion for sanctions, (ECF No. [62]), and Plaintiffs' motion to disqualify Defendants' counsel, (ECF No. [64]), are denied.

On November 19, 2021, the Court granted Plaintiffs' request for electronic filing privileges in light of the COVID-19 pandemic. (See ECF No. 7). Given that such circumstances have since changed, including limitations on access to the Clerk's Office, the Court revokes Plaintiffs' electronic filing privileges. Plaintiffs must follow the same filing procedures that are generally applicable to all pro se litigants.

Defendants are directed to file a status letter regarding the related state court proceedings by November 9, 2022.

The Clerk of Court shall mail a copy of this Order to Plaintiffs.

SO ORDERED.

Dated: November 2, 2022
Central Islip, New York

_____/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE